



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3018915

Applicant Name: Jean Morgan, Morgan Design Group, LLC
for Bryan Park

Address of Proposal: 11825 Seola Beach Dr SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new 3-story single family dwelling unit with a detached garage. Existing structures to be demolished.

The project requires the following approvals:

- Variance** – to allow portions of the principal and accessory structures to extend into the required front yard, SMC [23.44.014 A](#);
- Variance** – to allow portions of the principal structure to extend into the required rear yard, SMC [23.44.014 B](#);
- Variance** – to allow those portions of an accessory structure located in front and rear yards to exceed the provided 12' height, SMC [23.44.014 E3](#);
- Variance** – to allow parking located in the required front yard, [23.44.016 D](#).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The site is located in the West Seattle Neighborhood of Seola Beach, adjacent to Puget Sound. It abuts the north side of Seola Beach Drive, which defines this portion of Seattle's southern boundary with Burien. The site is roughly 50' wide and is oriented northeast-southwest. According to the submitted survey, the site measures roughly 55,746 sq. ft., of which 17,258 is dry land.

A single family home and detached garage currently occupy the site. The site and vicinity are zoned Single Family with a minimum lot size of 9600 sq.ft.

A steep slope occupies the northern end of the site, and is heavily treed by a stand of madronas. To the north of the site is Seola Park, roughly 9 acres of steep and wooded land. A narrow private drive crosses the site at the base of the slope, the only vehicular access for nine waterfront homes to the northwest. Across the City line is a similar access road for about 20 waterfront properties. Adjacent to the Sound at the end of Seola Beach Drive is a sewer pump station operated by Seattle Public Utilities. The street end is fenced, and signage indicates public beach access is not available.

Description of Proposal

The project would establish a three-story single family home and a detached garage.

Public Comment

DPD received comments from six members of the public, who raised issues related to views, aesthetics, access to light, air, and fire protection, the size of the proposed home, and impacts to the surrounding environment.

ANALYSIS - VARIANCE

As provided in SMC [23.40.020](#), variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The subject property is unusual in several regards.

Size, shape, and orientation. The site abuts a single public right of way, Seola Beach Drive SW, which defines its southeast property line as front – see Seattle Municipal Code (SMC) [23.84A.024](#), “Lot line, front”. For purposes of orienting the site, DPD may not consider the

private access easement, SW Seola Lane, as it bisects the site and does not meet the definition in SMC [23.84A.036](#), “Street, private”.

The site presents roughly 315 linear feet along Seola Beach Drive SW. In Seattle’s built environment, elongated residential sites generally present their narrow dimension to a right of way, so that the deeper front and rear yards may abut these lines, and narrower side yards abut the longer ones. While it’s common for shoreline street-ends to abut a long property line, typically such properties exist at a corner. In this case, SW Seola Ln does not create such a corner.

The ten properties located northeast of this site have no street frontage, and their front and rear yards generally orient north-south. These properties are mostly of a similar shape, and they would generally be required to provide conforming side yards (typically 5 feet) along their longest lines.

Slope, access easement, shoreline. Development on the site is further constrained by physical features including topography, the shoreline, and their associated development standards. A large fraction of the site’s landward area is occupied by steep slope, and according to Environmentally Critical Area regulations is unavailable for development. The majority of the site is submerged, and shoreline regulations further limit the proximity of residential structures to the shoreline. An 18'-wide access easement bisects the site, adjacent to the toe of the steep slope.

These site-related conditions further limit development to an area located between the shoreline setback and the southwestern edge of the access easement.

On other properties in this zone and vicinity, development typically occupies the full width of their elongated sites, minus areas devoted to relatively narrow side yards. The strict application of the Land Use Code, SMC [23.44.014](#), would require a 20'-deep front yard and a 10'-deep rear yard, resulting in just a 20'-deep building area. Similarly, yard and parking location standards would constrain the area available for the proposed parking structure and guest rooms. This site’s unusual conditions and strict application of the Land Use Code would therefore deprive this property of rights and privileges enjoyed by other comparable properties.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

As proposed, the project extends 5' into the required rear yard and 10' into the required front yard, providing for a roughly 35'-wide home: a reasonable width for any 50'-wide single family lot.

The applicant states that the project does not exceed the minimum necessary to afford relief. The resulting development is a three-story single family home with a detached, two-story garage. It is a use and scale that is consistent with new development on sites that are comparable in size, location, and zone. As such, it is not a grant of special privilege.

3. ***The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

Some neighbors have contacted DPD with concerns summarized above. They state that the project could affect views to the water, fire safety access, access to light and air, the movement of wildlife, the quality of the site's environment, and the overall character of the neighborhood.

DPD staff has reviewed these concerns and determines that the granting of the variance should not have deleterious effects on the site or vicinity. In footprint the proposal is roughly similar to the existing home and improvements, and the effect of granting the variances should not rise to the level of detriment or injury. The proposed setbacks of 5' on the north and 10' on the south side are as wide or wider than many corresponding yards of nearby properties. The resulting development will set back from its property lines in much the same fashion as homes on other properties in the zone and vicinity.

4. ***The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;***

As discussed above, the literal interpretation and strict application of the Land Use Code would result in a buildable area that is much more constrained than comparably sized and situated lots in the zone and vicinity. It would result in narrower floor plates and a more constrained building area. Practically, compared with the other nearby sites, the yard provisions would result in a 50% reduction in the buildable area, as the resulting width would be 20', instead of the 40' that would be typical on lots of comparable size and shape. In the context of this site, DPD considers such a reduction to present hardship or practical difficulty.

5. ***The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.***

In single family zones, the Land Use Code provides for development of single family homes and accessory structures, within limits on height, lot coverage, and a general siting organization that limits development at the periphery of sites. The proposed development achieves those intents, while also addressing all other land use standards associated with shorelines and other environmentally critical areas. DPD determines that the project meets this criterion.

DECISION - VARIANCE

DPD **grants** the variances identified above, with no conditions.

Signature: _____ (signature on file) Date: February 2, 2015
Scott A Ringgold, Senior Land Use Planner
Department of Planning and Development

SR:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.